

### **REMARKS**

Claims 122-178 are pending, with claims 122, 157, 166 and 174 being independent. Claims 1-121 have been cancelled and claims 122-178 have been added. Applicant asks that all claims be examined in view of the amendments to the claims.

### **Prior Art Rejections**

#### ***Near Rejections***

Previously presented claims 1-3, 7-11, 14, 63-66, 100-109, and 110-121 have been rejected under 35 U.S.C. §§ 102(e) or 103(a) as being anticipated by or obvious over Near (U.S. Patent No. 5,995,091). For at least the following reasons, Applicant respectfully submits that new claims 122-178 obviate this rejection and are patentable over Near.

New independent claim 122 relates to a method of streaming multimedia objects encapsulated into a multimedia document and recites, among other things, “interleaving data slices of the first and second multimedia objects with each other...” and “adding data slices of the third multimedia object to the multimedia object without interleaving the data slices of the third multimedia object with data slices of other objects in the multimedia document” (emphasis added). Near fails to describe or suggest at least these features of claim 122. Rather, in the multimedia system of Near, images and sounds are always interleaved for playback. (Near at col. 7, line 37 to col. 8, line 27). As such, Near does not describe or suggest, and indeed teaches away from, “adding data slices of the third multimedia object to the multimedia object without interleaving the data slices of the third multimedia object with data slices of other objects in the multimedia document,” as recited in claim 122. For at least these reasons, claim 122, and the claims dependent therefrom, are patentable over Near.

New independent claim 157 relates to a computer implemented device for streaming multimedia objects encapsulated into a multimedia document, and recites, among other things, instructions for “interleaving data slices of the first and second multimedia objects with each other” and “adding data slices of the third multimedia object to the multimedia object without interleaving the data slices of the third multimedia object with data slices of other objects in the

multimedia document” (emphasis added). For at least the reasons discussed above with respect to claim 122, independent claim 157, and its dependent claims, are patentable over Near.

New independent claim 166 relates to a computer implemented multimedia document for streaming multimedia objects, and recites, among other things, “a first portion of the multimedia document comprising data slices of the first and second multimedia objects interleaved with each other; and a second portion of the multimedia document comprising data slices of the third multimedia object not interleaved with data slices of other objects in the multimedia document, wherein when the multimedia document is streamed” (emphasis added). For at least the reasons discussed above with respect to claim 122, independent claim 166, and its dependent claims, are patentable over Near.

New independent claim 174 relates to a method for building a multimedia document for communicating multimedia objects, and recites, among other things “detecting the type of the multimedia object; and determining, based on the detected multimedia object type, whether or not to interleave data slices of the multimedia object with data slices of one or more other objects to be included in the multimedia document.” Near fails to describe or suggest at least these features of claim 174. Rather, as explained above with respect to claim 122, Near describes interleaving all data for playback, regardless of type. For at least these reasons, independent claim 174, and its dependent claims, are patentable over Near.

#### ***Near/Shaw/Johnson/Caire Rejections***

Previously presented claims 4, 5, 6, 13, 15, 16, and 31-50 have been rejected, under 35 U.S.C. § 103(a), as being obvious over Near in view of one of Shaw et al., Microsoft Office 6-in-1, Johnson (U.S. Patent No. 5,892,847), and Caire (U.S. Patent No. 5,663,962). Shaw, Johnson, and Caire do not cure any of the deficiencies discussed above with respect to Near. Accordingly, claims 122-178 are patentable over Near, Shaw, Johnson, and Caire.

#### **Double Patenting Rejection**

Claims 119 and 121 have been objected to under 37 C.F.R. § 1.75 as being substantial duplicates of claims 116 and 118, respectively. While Applicant does not acquiesce to this rejection, claims 116, 118, 119, and 121 have been cancelled to expedite prosecution.

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### **35 U.S.C. § 112 Rejection**

Claims 1-11, 13-16, 31-50, 63-66, and 100-115 have been rejected on the basis that the specification fails to enable "the temporal order defined by the choreography information is maintained independent of a bandwidth of the communication channel used to send the multimedia document." While Applicant does not acquiesce to this rejection, claims 1-11, 13-16, 31-50, 63-66, and 100-115 have been cancelled to expedite prosecution.


### **Conclusion**

Applicant respectfully requests allowance of all claims. Applicant does not acquiesce to the characterizations of the art in the Office Action. For brevity and to advance prosecution, however, Applicant has not addressed all characterizations of the art, but reserves the right to do so in further prosecution of this or a subsequent application.

Enclosed is a \$120.00 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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